

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

LINDA MIGLIORI, FRANCIS J. FOX,	)	
RICHARD E. RICHARDS, KENNETH	)	
RINGER, and SERGIO RIVAS,	)	
	)	
Plaintiffs,	)	No. 5:22-cv-00397-JFL
	)	
and	)	
	)	
ZACHARY COHEN,	)	
	)	
Intervenor-Plaintiff,	)	
	)	
v.	)	
	)	
LEHIGH COUNTY BOARD OF	)	
ELECTIONS,	)	
	)	
Defendants,	)	
	)	
and	)	
	)	
DAVID RITTER,	)	
	)	
Intervenor-Defendant.	)	
_____	)	

**PLAINTIFFS' PETITION FOR ATTORNEYS' FEES**

Plaintiffs Linda Migliori, Francis J. Fox, Richard E. Richards, Kenneth Ringer, and Sergio Rivas (collectively, "Plaintiff-Voters") respectfully move this court for an award of attorneys' fees and costs to which they are entitled pursuant to 42 U.S.C. § 1988, and in support thereof, state as follows:

1. Plaintiff-Voters brought this action under 42 U.S.C. § 1983 to compel Defendant Lehigh Board of Elections ("the Board") to count Plaintiff-Voters' mail ballots from the November 2021 election.

2. This litigation resulted in the U.S. Court of Appeals for the Third Circuit holding that disqualifying Plaintiff-Voters' ballots would violate the Materiality Provision of the Civil Rights Act, 52 U.S.C. § 10101(a)(2)(B), and this Court entering judgment in favor of Plaintiff-Voters and ordering the Board to count Plaintiff-Voters' ballots.

3. The Board did not seek a stay of the Third Circuit's judgment, and did not seek from the Supreme Court review of the Third Circuit's decision.

4. In compliance with this Court's order, the Board counted Plaintiff-Voters' ballots.

5. Plaintiff-Voters, therefore, obtained through court order the precise relief Plaintiff-Voters sought in this action.

6. The Supreme Court on October 11, 2022, without considering the merits, vacated the Third Circuit's decision as moot.

7. This Petition for Attorneys' Fees is timely, as this Court previously approved a stipulation "that Plaintiffs shall have until 30 days after final resolution of the matter by the United States Supreme Court to file any application concerning attorneys' fees, related nontaxable expenses, or costs" (ECF No. 62), making November 10, 2022 Plaintiffs' deadline to file an application for attorneys' fees, expenses, and costs.

8. For the reasons set forth in the accompanying brief, Plaintiff-Voters are prevailing parties entitled to an award of attorneys' fees and costs pursuant to 42 U.S.C. § 1988.

9. The fees incurred by Plaintiff-Voters are reasonable, as demonstrated in the attached brief and exhibits.

For the reasons set forth therein, Plaintiffs' respectfully request an award of fees in the total amount of \$249,122.50.

Dated: November 10, 2022

Respectfully submitted,

s/Richard T. Ting

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*Counsel for Plaintiffs*

**CERTIFICATE OF SERVICE**

I hereby certify that on the date set forth below, I caused the foregoing document to be served on all parties of record via the Court's CM/ECF system.

Dated: November 10, 2022

s/ Richard T. Ting